

MEMORANDUM

Agenda Item No. 13(A)(2)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 15, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution authorizing certain
settlement in the amount of
\$20,000.00, in County eminent
domain proceedings in
connection with the acquisition
of land referred to as Parcel 3

The accompanying resolution was placed on the agenda by the County Attorney's Office.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 15, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 13(A)(2)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 13(A)(2)

7-15-14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$20,000.00, IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 3, FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 176TH STREET FROM US 1 TO 107TH AVENUE AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board by Resolution No. R-736-10 dated July 8, 2010, previously declared the acquisition of land for the right-of-way needed for road widening, beautification, and right-of-way improvements to SW 176th Street from US 1 to SW 107th Avenue to be a public necessity and authorized the acquisition of land therefore by eminent proceedings; and

WHEREAS, the owner of Parcel 3, as set forth in the attached land acquisition summary sheet, has offered to settle for the figure specified therein; and

WHEREAS, this project is being funded by the use of Charter County Transportation Surtax Funds, and this settlement thus must be submitted for the review and recommendation of the Citizens Independent Transportation Trust; and

WHEREAS, the County Attorney hereby recommends the settlement amount as set forth in the attached Land Acquisition Summary sheet,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals.

Section 2. This Board authorizes the County Attorney to compromise and settle on behalf of the County all claims against the County in eminent domain proceedings for Parcel 3 in the amount specified in the attached land acquisition summary sheet, and authorizes the use of Charter County Transportation Surtax Funds.

Section 3. Pursuant to Resolution No. R-974-09, the Board directs the County Mayor or County Mayor's designee to record any instrument of conveyance accepted herein in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy together with this resolution.

The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of July, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JEB

Jason E. Bloch

LAND ACQUISITION SUMMARY SHEET

PROJECT:	Roadway expansion, beautification, and right of way improvements to SW 176th Street from US 1 to SW 107th Avenue in Miami-Dade County, Florida.
PARCEL NUMBER AND PROPERTY ACQUIRED:	Parcel No. 3 (Fee Simple) 134 square feet (See attached sketches in Exhibit B).
OWNERSHIP INTEREST:	Georgia M. Cooper and Arthur L. Cooper (deceased), through Arthur Cooper, Jr.
COUNTY'S APPRAISAL AND DAMAGES:	\$16,900.00 Patrick Mikus, ASA
OWNER'S ESTIMATE OF VALUE:	\$ 20,000.00.
SETTLEMENT AMOUNT:	The total settlement amount is \$20,000.00. (See Comments below – this amount includes any owner's attorneys' fees, costs, site development fees, and expert fees).
POTENTIAL EXPOSURE TO COUNTY:	\$3,100 (difference between owner's estimate of value and County's appraisal), plus potentially additional costs and attorneys fees.
COMMENTS:	A proposed settlement was reached in the amount stated above. In order for the County to obtain clear title to this parcel, eminent domain proceedings had to be instituted. The settlement amount of \$20,000.00, represents full compensation for the parcel acquired.

Exhibit A

Parcel 3 – Legal Description

A portion of Lot 6, Block 5, TOWN OF PERRINE, according to the Plat thereof, as recorded in Plat Book B at Page 79 of the Public Records of Miami-Dade County, Florida; being more particularly described as follows:

The external area formed by a 25 foot radius circular curve tangent to the Northerly line of the Southerly 50.00 feet of said Lot 6 and the Easterly line of said Lot 6.

As also reflected in the legal description contained in the preceding Exhibit A to this Land Acquisition Summary Sheet





Memorandum



To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director

Date: June 19, 2014

Re: CITT AGENDA ITEM 5N:
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE CERTAIN SETTLEMENT IN THE AMOUNT OF \$20,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 3 FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 176 STREET FROM US1 TO SW 107 AVENUE; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (CAO-Legislative File No. 141578)

On June 19, 2014, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 14-052. The vote was as follows:

Paul J. Schwiep, Esq., Chairperson – Aye
Hon. Anna E. Ward, Ph.D., 1st Vice Chairperson – Aye
Glenn J. Downing, CFP®, 2nd Vice Chairperson – Aye

Joseph Curbelo – Aye
Alfred J. Holzman – Absent
Jonathan Martinez – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Absent

Peter L. Forrest – Aye
Prakash Kumar – Aye
Alicia Menardy, Esq. – Absent
Hon. James A. Reeder – Aye
Hon. Linda Zilber – Absent

cc: Alina Hudak, Deputy Mayor/Interim Director Public Works & Waste Management
Department
Bruce Libhaber, Assistant County Attorney